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November 20, 1997

Richard Woodard
CALFED Bay-Delta Program
Water Quality Technical Group
1416 Ninth Street, Suite 1155
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Dear Rick:

Recently the Resources Agency's Delta Levee and Habitat Advisory Committee asked me to make a presentation on the implications of the California Toxics Rule to dredging and dredged sediment management in the Delta. Since this is an important topic for CALFED, I thought you and some of the other managers of the CALFED activities might be interested in a copy of the materials that I used in my discussion of this topic. As discussed, the California Toxics Rule has significant implications for managing contaminated dredged sediments in the Delta. Typically, if implemented as currently required under the Clean Water Act, it will significantly unnecessarily restrict the use of contaminated sediments for channel maintenance dredging, as well as beneficial use of contaminated sediments for levee enhancement and shallow water habitat development.

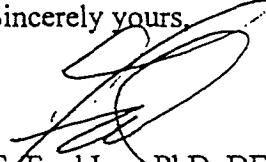
I have been discussing these issues with the Central Valley Regional Water Quality Control Board staff, and they are supportive of the approach that I have advocated of working toward a proper evaluation of the real water quality impacts associated with the dredging and beneficial use of contaminated dredged sediments. I have previously suggested the need to appoint an advisor to the CVRWQCB, DWR and CALFED who would specifically formulate approaches to address these issues. Of particular importance is the development of technically valid, cost-effective guidelines that serve as the basis for managing dredging and dredged sediment disposal and utilization within the Delta that would promote the beneficial uses of contaminated sediments while protecting water quality/ecosystems within the Delta. As discussed in my presentation, the key to this is the development of a pre- and post-dredging and sediment placement monitoring/evaluation program that will enable evaluation of the impacts of the dredging and/or sediment management activities. I can provide leadership for this type of activity.

You will note also that I have recommended a temporary waiver approach for addressing the administrative exceedances of water quality standards. This is a viable, potentially readily implementable approach that has been approved in other parts of the country. R. Perciasepe of the US EPA has indicated that this is an approach that the Agency could possibly support. I introduced this concept to the State Water Resources Control Board at their November 17, 1997 hearing on their draft implementation approach for the California Toxics Rule. The focus of my presentation there was on a temporary waiver for meeting water quality standards and use attainability associated with

urban area and highway stormwater runoff. There was considerable interest in this approach by the Board and others. It could also be applied to dredged sediment management within the Delta and thereby eliminate the significant over-regulation that is occurring today which hampers the use of dredged sediments for levee enhancement and shallow water aquatic habitat development. This issue could be discussed further at the next Delta Levee and Habitat Advisory Committee meeting.

If you or others in CALFED have questions on these issues, please contact me.

Sincerely yours,



G. Fred Lee, PhD, DEE

Copy to: L. Snow
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GFL:oh
Enclosure